

Anthony D. Prince (SBN # 202892)
 General Counsel, California Homeless Union/Statewide Organizing Council
 Law Offices of Anthony D. Prince
 2425 Prince Street, Ste. 100
 Berkeley, CA 94705
 Tel: 510-301-1472

Attorneys for Plaintiffs

UNITED STATES COURT

NORTHERN DISTRICT OF CALIFORNIA

PAJARO/WATSONVILLE HOMELESS
 UNION, a local affiliate of the CALIFORNIA
 HOMELESS UNION, on behalf of itself and
 those it represents; MONIKE ILENE TONE,
 President of the PAJARO RIVER
 HOMELESS COMMUNITY, a Homeless
 Union-affiliated encampment in MONTEREY
 COUNTY; Individual Plaintiffs MONIKE
 TONE, KRISTINA OYLMAN, ELISE
 JOHNSON, and other similarly-situated
 homeless persons encamped along the Pajaro
 River in Monterey County,

Plaintiffs

vs.

COUNTY OF MONTEREY; MONTEREY
 COUNTY WATER RESOURCES AGENCY;
 MONTEREY COUNTY SHERIFFS DEPT;
 SHERIFF STEPHEN BERNAL in his official
 and individual capacities, DOES 1-100,

Defendants

Case No.:

**EX PARTE APPLICATION AND
 COMPLAINT FOR TEMPORARY
 RESTRAINING ORDER AND
 PRELIMINARY INJUNCTION AND
 DELARATORY JUDGMENT PURSUANT
 TO 42 U.S.C. § 1983, CALIFORNIA
 CONSTITUTION ART.1, § 7; 8TH AND
 14TH AMENDMENT TO THE
 CONSTITUTION OF THE UNITED
 STATES;
 DECLARATION OF MONIKE ILENE
 TONE; DECLARATION OF KRISTY
 OYLMAN; DECLARATION OF ELISE
 JOHNSON; DECLARATION OF
 ANTHONY D. PRINCE; [Proposed
 ORDER]**

INTRODUCTION AND BACKGROUND

1. At this hour, the clearing of some 200 hundred homeless persons and their campsites along the Pajaro River is underway. There has been no confirmed alternative shelter, motel vouchers or other accommodations provided.

- 1 2. Since 7-day Notices to Vacate were posted on November 10, 2021, the attorney for the
2 campers, most of whom are members of the Pajaro/Watsonville Homeless Union, has
3 repeatedly attempted to contact first the Monterey County Sheriffs and then County
4 Counsel. Messages were left, calls made that were not returned. Only in the last few days
5 has the County attorney responded and refused to delay even by a few days the sweep that is
6 currently scheduled for today, November 17, 2021 through November 19, 2021 and beyond,
7 beginning at 7:00 am.
- 8
- 9 3. Given that meet and confer efforts were delayed by the County and have been unsuccessful,
10 very little time has been available to fully brief this *Ex Parte* Application. The Court is
11 urged to carefully review the attached declarations and exhibits, as they provide a factual
12 basis for the Application and collectively demonstrate how the elements required to justify
13 the issuing of a Temporary Restraining Order and Preliminary Injunction have been met.
- 14
- 15 4. Absent the Court's immediate intervention, the affirmative acts of the County will constitute
16 a state-created danger that poses a heightened risk of great bodily harm to hundreds of
17 unhoused men and women.

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **JURISDICTION AND VENUE**

- 20 5. This is an action for injunctive relief pursuant to 42 USC Section 1983 and F.R. Civ. P.
21 23(b)(2) based upon ongoing violations and imminent harm to approximately 200 persons
22 encamped along the Pajaro River in Monterey County implicating the First, Fourth, and
23 Fourteenth Amendments of The Constitution of the United States of America and pertinent
24 portions of the California State Constitution.
- 25
- 26 6. Jurisdiction exists because 28 USC Section 1331 and 1343 in that this case is brought
27 pursuant to 42 U.S.C. Section 1983 and raises questions of federal Constitutional Law under
28 the First, Fourth, and Fourteenth amendments.

PARTIES

7. Plaintiff **Pajaro/Watsonville Homeless Union** is a local union chapter of the California Homeless Union, an unincorporated membership association which organizes, advocates for and represents unhoused and marginally housed persons. Clearing of encampments without the provision of immediate, indoor shelter under *Martin v. Boise* results in dispersal of and harm to Union members and directly interferes with the Union's mission.
8. Plaintiffs **Monike Tone, Elise Johnson** and **Kristina Oylmen** and all those similarly situated, are all homeless individuals camped along the Pajaro River facing imminent destruction of their camps and belongings and physical displacement.
9. Defendant **County of Monterey** ("County") is a political subdivision of the State of California with capacity to sue and be sued.
10. Defendants **Monterey County Water Resources Agency; Sheriffs Department** and individual Defendant **Sheriff Stephen Bernal**, are all departments and/or agents of the County of Monterey.
11. Pursuant to Local Rule 65.1(a), plaintiffs respectfully move *ex parte* for a temporary restraining order and preliminary injunction against Defendants and each of them to halt the expulsion of homeless persons encamped along the Pajaro River.
12. A TRO is necessary to prevent the irreparable harm to plaintiffs prior to this Court having an opportunity to make a decision on Plaintiffs' motion for a preliminary injunction.
13. In considering an application for a preliminary injunction under Rule 65 of the Federal Rules of Civil Procedure, courts in the Ninth Circuit look to the following factors: a) The movant has shown a likelihood of success on the merits; b) There is a likelihood that the movant will suffer irreparable harm in absence of a preliminary injunction; c) The balance of equities tips in the movant's favor; d) The injunction is in the public interest. *Stormance, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009). Also see *Idaho v. Coeur d'Alene Tribe*,

794 F.3d 1039, 1046 (9th Cir, 2015) quoting from *Pom Wonderful LLC v. Hubbard*, 775 F.3d 1118,1124 (9th Cir.2014).

Standard for Temporary Restraining Order/Preliminary Injunction

14. To determine whether to issue a TRO, the courts in the Ninth Circuit apply the same analysis used to evaluate a motion for preliminary injunction. *McCarthy v. Servis One, Inc.* 2017 U.S. Dist. LEXIS 32622, at *9-10(N.D. Cal. Mar. 7. 2017) The Ninth Circuit has adopted a “sliding scale” to approach such that a plaintiff need only show that there are **“serious questions going to the merits”**, such that “serious questions going to the merits and a balance of hardships that tips sharply towards the plaintiff can support issuance of a preliminary injunction, so long as the plaintiff can show that there is the likelihood of irreparable – a lesser showing than likelihood success on the merits – then a preliminary injunction may still issue if the balance of hardships tips sharply in the plaintiffs favor and the other two factors are satisfied. *Alliance For The Wild Rockies v. Cottrell*, 632 F. 3D 1127, 1135 (9TH CIR. 2011).
15. Here, Plaintiffs Application for a TRO raises serious questions including the legality, under the Federal and State Constitutional rights as well as state and local public health order, of Defendants’ plan to expel approximately 200 homeless persons from the Pajaro River area when there are no shelter beds available and Defendants have failed to provide motel vouchers or answer Plaintiffs’ Counsel’s questions regarding motel vouchers – length of stay, transportation, status of plaintiffs’ personal property, etc.
16. In addition, serious questions arise regarding **state-created danger by way of increasing the risk of harm and even death face routinely by homeless persons** deprived of the relative safety of the encampment community and the material support rendered by charitable organizations and individuals. While there may be no fundamental right to housing, the Ninth Circuit recognizes liability under substantive due process where a state or

1 local official act to place a person in a situation of known danger with deliberate
2 indifference to their personal or physical safety. *Kennedy v. City of Ridgefield*, 439 E 3d
3 1055(9th Cir. 2006) “[D]eliberate indifference is a stringent standard of fault, requiring proof
4 that a municipal actor disregard a known or obvious consequence” *Board of County Com’rs*
5 *of Bryan County, Okl v Brown*, 520 U.S. 397 “In examining whether [the city] affirmatively
6 places an individual in danger, [a court does not look solely to the agency of the individual,
7 nor [does it rest its] opinion on what options may or may not have been available to the
8 individual. Instead, [the court must] examine whether [the city] left the person in a situation
9 that was more dangerous than the one in which they found him” *Kennedy*, 439 F.3d at 1062
10 (citations omitted) See also, Northern District Judge Susan van Keulen’s Order January 20,
11 2021 granting plaintiffs’ Ex Parte Application for Preliminary Injunction in the ongoing case
12 of *Santa Cruz Homeless Union et al v. [Santa Cruz City Manager] Martin Bernal, City of*
13 *Santa Cruz, et al* Case No. 20-cv-09425-SVK.

14
15
16 **17.** While California is loosening COVID-19 restrictions, the CDC guidance remains the same –
17 “If individual housing options are not available, allow people who are living unsheltered or
18 in encampments to remain where they are. Clearing encampments can cause people to
19 disperse throughout the community and break connections with service providers as this
20 increases the potential for infectious disease spread.”

21
22 **18.** In a recent modification to the injunction in Marin County based *Marin County Homeless*
23 *Union v. City of Sausalito* Judge Edward M. Chen enjoined the city from clearing our camp
24 by Dunphy Park. He only recently modified the injunction to allow the City of Sausalito to
25 move the camp to separate and comparable campground with hygiene facilities while
26 maintaining enjoinder of the city daytime camping bans. In his modification of the
27 injunction, the judge permitted the moving of the encampment only because campers were
28

1 to be moved to a safer location with showers, restrooms provided and with their personal
2 possessions.

3 **19.** Also persuasive are the Orders for Preliminary Injunction issued by Federal Judge Yvonne
4 Rogers Gonzalez in *Novato Homeless Union v. City of Novato*, and by Judge Susan van
5 Keulen in *Santa Cruz Homeless Union v. City of Santa Cruz*. In both cases Defendants were
6 restrained and enjoined from clearing existing homeless encampments for essentially the
7 same reasons and under similar threatened harms now facing Plaintiffs along the Parajo
8 River encampments.
9

10 **20.** As can be ascertained from reading the e-mail communications attached to the Declaration
11 of Counsel, Defendants Monterey County and Monterey County Water Resources Agency
12 have spent weeks, if not months, planning work on the area where Plaintiffs are encamped.
13 In one of her emails, County Attorney Donlon falsely stated that the homeless had “dug
14 tunnels” into the levee.
15

16 **21.** County Attorney Donley then sent another email admitting that her statement was untrue
17 and now asserting that Plaintiffs have dug tunnels into the riverbank. As set forth in
18 Plaintiffs’ declarations and by way of photographs taken by and attached to Attorney
19 Anthony Prince, these allegations are patently untrue. Whatever disturbance of the riverside
20 topography have been made so that Plaintiffs can access the camp can be remedied without
21 the requiring the clearing of the campers and the camp, itself and, in any case, no threat to
22 the structural integrity of either the levee or the riverbank exists nor has any formal
23 documentation otherwise been provided by Defendants.
24

25 **22.** The hardship to the County of delaying the work while the housing of displaced campers is
26 resolved is far outweighed by the imminent and irreparable harm via state-created danger to
27 the homeless by way of their forcible removal and lack of alternative housing. Accordingly,
28 the balance of equities sharply favors Plaintiffs and the issuance of a TRO is in the interests

of the public—which, cities and counties often forget includes its unhoused citizens -- including protection from the possible community spread of COVID-19 and its highly transmissible Delta variant.

23. Plaintiffs believe that using the sliding scale and serious question standards set forth by the Ninth Circuit, they have satisfied their initial burden and are entitled to the immediate injunctive relief.

FIRST CAUSE OF ACTION

Cruel and Unusual Punishment; Excessive Fines (Eighth Amendment to the Constitution of the United States 42 U.S.C. §1983; Art. 7)

Plaintiffs incorporate each and every allegation of the preceding paragraphs as if fully set forth herein. The acts and omissions of Defendant, as described herein, and the imposition of criminal charges and sanctions listed in the Notice to Vacate violate the constitutional rights of Plaintiffs to be free from actual or threatened cruel and unusual punishment and excessive fines. By virtue of their status as homeless people, and due to the insufficiency of shelter or housing in Monterey County, Plaintiffs will suffer cruel and unusual punishment on the basis set forth by the Ninth Circuit in *Martin v. Boise*.

SECOND CAUSE OF ACTION

Cruel and Unusual Punishment (Art. 7, §17 California Constitution).

Plaintiffs incorporate each and every allegation of the preceding paragraphs as if fully set forth herein. 179. The acts and omissions of Defendant, as described herein, violate the constitutional rights of Plaintiffs to be free from actual or threatened cruel and unusual punishment and excessive fines.

THIRD CAUSE OF ACTION

Right to Due Process of Law: State-Created Danger (Article I, Section 7 of the California Constitution)

1 Plaintiffs incorporate each and every allegation of the preceding paragraphs as if fully set forth
2 herein. Defendants provide Plaintiffs no pre-deprivation process with respect to the removal of their
3 campsites and potential loss or damage to personal property. Plaintiffs are also in immediate danger
4 to their health and safety from the COVID19 global pandemic, depriving them of their rights to
5 substantive due process guaranteed by Article 1, section 7 of the California Constitution.

6 **FOURTH CAUSE OF ACTION**

7 Unlawful Seizure of Property (Fourth and Fourteenth Amendments to the U.S. Constitution; 42
8 U.S.C. § 1983)

9 Plaintiffs incorporate each and every allegation of the preceding paragraphs as if fully set
10 forth herein. Given that previous sweeps and clearing of encampments has resulted in the seizure,
11 damage, destruction and otherwise loss of property items, the County's conduct will violate the
12 Fourth and Fourteenth Amendments of the United States Constitution.
13

14 **PRAYER FOR RELIEF**

15 For a temporary restraining order and preliminary injunction, enjoining and restraining
16 Defendants from enforcing and requiring Defendants to rescind the Notices to Vacate;
17

18 For a person who may have already been or is in the process of being cleared, a right to
19 return to his/her/their particular campsite;
20

21 For statutory damages to the individual plaintiffs as provided by the Bane Civil Rights Act;

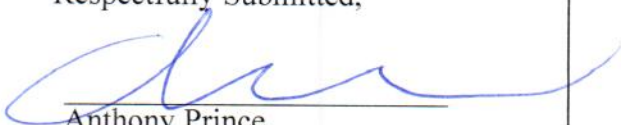
22 For damages to the individual plaintiffs in an amount to be determined according to proof;

23 For costs of suit and for attorney fees as provided by law;

24 For such other relief as the Court deems just and proper.

25 Dated: November 17, 2021.

26 Respectfully Submitted,

27 
28 Anthony Prince
Law Offices of Anthony D. Prince
Attorney for Plaintiffs

VERIFICATION

I, Monike Ilene Tome, am a plaintiff in the above-captioned case and President of the Pajaro/Watsonville Homeless Union. I have reviewed the above Application for Injunctive Relief and swear under penalty of perjury under the laws of the United States of America that it is truthful and accurate.

Dated: November 17, 2021

/s/ Monike Ilene Tone

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 General Counsel, California Homeless Union/Statewide Organizing Council
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 2425 Prince Street, Ste. 100
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Attorneys for Plaintiffs

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 COUNTY WATER RESOURCES AGENCY;
 BOARD; MONTEREY COUNTY
 SHERIFF'S DEPARTMENT; SHERIFF
 STEPHEN BERNAL, in his official and
 individual capacities; and DOES 1-100,

Defendants

Case No.:

**DECLARATION OF ANTHONY D.
 PRINCE IN SUPPORT OF PLAINTIFFS'
 EX PARTE APPLICATION AND
 COMPLAINT FOR TEMPORARY
 RESTRAINING ORDER AND
 PRELIMINARY INJUNCTION**

DECLARATION OF ANTHONY D. PRINCE

I, Anthony D. Prince, hereby declare as follows:

1. I am General Counsel for the California Homeless Union and attorney for the Pajaro/Watsonville chapter of the Union.

Declaration of Anthony D. Prince

1 2. Attached hereto as Exhibit A is a true and correct copy of email communications
2 between myself and Monterey County Attorney Kelly Donlon demonstrating my efforts
3 to meet and confer on the subjects of the instant Ex Parte Application for Injunctive
4 Relief as well as my notice to Counsel of our intention to seek Court intervention if
5 necessary.

6 3. As of the writing of this declaration, the County intends to go forward beginning at
7 7:00 am, Wednesday, November 17, 2021 and continuing until at least November 18 and
8 19, 2021 with the clearing of the Pajaro River homeless encampments at issue in this
9 case.

10 4. Although counsel informed me that those who will be cleared out will be given
11 motel vouchers, she has not responded with any information regarding the length of stay
12 that will be permitted or answered any of our concerns regarding items of personal
13 property, transportation or the number of persons who will actually be provided with
14 such vouchers and that such vouchers will be available later this week or beyond, and, if
15 so, for how long a stay.

16 5. As the communications in Exhibit A show, the County rejected my request that the
17 action be delayed for just a few days so that informal talks could continue. Accordingly,
18 since the camp clearing is scheduled to begin only minutes from now, plaintiffs hereby
19 file this Ex Parte Application for immediate injunctive relief.
20
21
22

23 I hereby swear and affirm under penalty of perjury under the laws of the United States and
24 the State of California, that the foregoing is true and correct statement.
25

26 Dated: November 17, 2021


/s/ Anthony D. Prince

27 Executed at Berkeley, California
28

Declaration of Anthony D. Prince

Exhibit A

Notice to Vacate

From: Anthony Prince (princelawoffices@yahoo.com)

To: donlonkl@co.monterey.ca.us

Bcc: villenair831@gmail.com

Date: Tuesday, November 16, 2021, 05:44 AM PST

Good morning Ms. Donlon:

After numerous attempts to reach the Sheriffs Dept. and County Counsel, thanks again for contacting me yesterday, November 15, 2021, regarding the Notice to Vacate that was posted on November 10, 2021 informing my client Ms. Monike Tone and others camped near a portion of the Pajaro River that they have until this Wednesday, November 17, 2021 to leave that location.

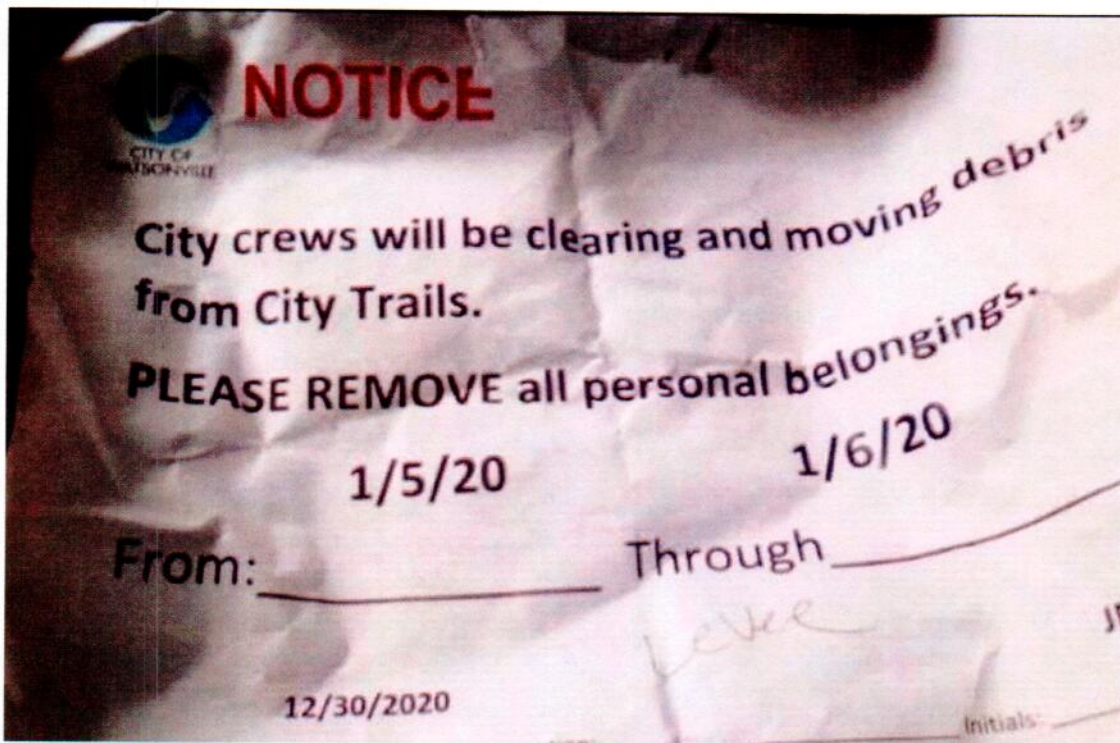
To summarize yesterday's conversation, I informed you that it will be impossible for my clients to vacate the location by Wednesday since, among other things, they are mostly elderly and with disabilities. I have been to the encampment several times and although some incursion into the surrounding topography has been made, they are relatively minor and do not pose a threat to the integrity of the levee. Also, as we discussed, there are no adverse weather events for at least ten days or so that might result in flooding, which did not take place even during the recent "bomb cyclone" atmospheric river storm.

Accordingly, I requested that enforcement of the Notice to Vacate be extended by at least ten days during which we meet and confer on the situation. At this time, we are not necessarily opposed to re-locating the encampment and would like to avoid seeking redress through the court, although if we can't work something out today, all rights are reserved.

You informed me that you need to consult with officials on this matter and would get back to me. I advised you that I have a settlement conference call in another case today at 1:00 pm and that I was available by phone any time before that. Alternatively, you may leave a text or send an email message regarding this matter. I can be reached at 510-301-1472.

Thanks, again,

Anthony Prince,
Attorney for Monike Tone and
other encampment residents.



This clean-up notice from City of Watsonville was posted at a camp at the Pajaro River Levee, according to a social media account. The City has since halted all clean-ups around the levee. — via Instagram

Local News COVID-19

City postpones levee clean-up after homeless advocates raise concerns

By: TONY NUÑEZ January 6, 2021

0 1334

WATSONVILLE – Scheduled clean-ups of the Pajaro River Levee have been postponed indefinitely after homeless advocates raised concerns about displacing people living there, according to Watsonville City Manager Matt Huffaker.

Huffaker said a regularly scheduled clean-up of the levee was set for Tuesday and Wednesday. That was canceled Monday after advocates complained to City leadership that a clean-up could displace homeless residents from the levee and contribute to the spread of Covid-19 in the community.

"The goal is to remove the trash and debris from the area but not to displace folks at this time particularly under the Covid environment that we're operating under," Huffaker said Wednesday. "We've discontinued that work for now just to try to ensure that no one is having to relocate or be disrupted while we try to hunker down and get everyone through these tough weeks with a spike in cases."

As of Tuesday, there were more than 2,500 active Covid-19 cases in Santa Cruz County. Watsonville has been the most-impacted city in the county, as more than half of roughly 9,800 cases have been identified here.

News of the clean-ups spread on social media Sunday through an Instagram account named agentsofchange831. In a post, that user said the Monterey County Sheriff's Office and Smith & Enright

Landscaping on Dec. 7 bulldozed the shelter erected by the people living in the Monterey County side of the levee. That post also said the City was planning to "sweep more of the Pajaro River community" on Tuesday and Wednesday, and asked for volunteers to help defend the residents' shelters.

Monike Tone said roughly 40 people showed to the levee on Tuesday and many returned Wednesday to help protect the community from a possible sweep.

"I'm truly grateful for the support that we've received from everyone," she said.

Tone said that she has lived in the Pajaro River community for eight years and that many of her fellow residents, around 110 people, she said, have been there for anywhere from two to three years. In that time, the residents constructed wooden shelters, gardens, chicken coups and water filtration systems.

All of that, including 58 structures, was demolished during the Monterey County Sheriff's sweep of the camps in their jurisdiction, she said. That night, Tone said she slept in the rain and cried for most of the night.

"I did not know where to turn, I did not know who to talk to," she said.

Tone said she attended the [Stop the Sweeps rally in Santa Cruz](#) last week where she met local organizers who have helped raise awareness of her community's issues, which she said have gone largely unnoticed by local political leaders.

"I'd like to thank all the voices that have been able to make a difference and are trying to change," she said. "I think this year is going to cause a lot of greatness for the homeless community because we're not going to stop until we receive the respect and dignity we deserve."

Huffaker said City crews have performed clean-ups of the levee and other natural habitat around the city as recently as last week. He said the City performs those clean-ups – clearing garbage, illegally dumped furniture and abandoned shopping carts, among other things – to "ensure environmentally sensitive areas are being protected."

The clean-ups at the levee, Huffaker said, are particularly important as rain has started to hit the Central Coast.

"It's always a particular concern during the winter months where those areas are prone to flooding during heavy rains," he said. "We're trying to balance public health with also preserving and maintaining these environmental areas. We'll continue to monitor as we go forward and make adjustments as necessary."

Huffaker said City crews typically post advanced notices of clean-ups a few days before they begin the work. They also sometimes give people living in natural habitat verbal notices, Huffaker said.

Those crews are sometimes accompanied by a Watsonville Police Department officer for protection, he said. Those officers and City employees also try to connect homeless residents with resources available to them through local nonprofits and the County of Santa Cruz.

"Ideally, we would want these individuals to be connected to resources and [be] in a warm bed where they can safely weather the storm and the pandemic," Huffaker said.

But Tone says that those resources are often unavailable or undesirable. One example, she said, is the current emergency homelessness shelter at the Veterans Memorial Building in Watsonville, which provides congregate shelter for those experiencing homelessness. Tone said that shelter is not only constantly full, but does not provide a safe environment for people looking to stay warm and evade possible exposure to Covid-19.

"They're not reliable resources, they're not resources that work, they're not resources that can help us at any point in time," she said. "Us going into shelter where there has been Covid already, that's unacceptable to us."

Re: Notice to Vacate inwontbsend this unless u say ok

From: Monike Ilene Tone (villenair831@gmail.com)

To: princelawoffices@yahoo.com

Date: Tuesday, November 16, 2021, 09:13 PM PST

Tell me what u think

Dear All Persons Whom In witch need to read with some Kind of Athority. Thanks for you time.

I along with 150+ call this River are Home last year next month will be a year let me show you what was left behind. On are River..This is what Monterey County Water resources. left and my timeline Dont Lie witch mean this is After the days listed for last years clean up... In witch it was not clean up it was clean out Homeless... This Project has alot of money being put into it and that money could be used for other things like housing the ones out until your project is done see people who call the river home are not just calling it home for no reason we are a town with in town 2 city's and with in 2 Countys of witch Nether City or county can find housing. I am not just speaking of myself.... I have a Big Commitment and People out here are not in need on oneday shelter with in a shelter we rather stay home.... CDC Gide line are not being FOLLOWED AND SHELTER IN PLACE IS STILL ACTIVE ALONG WITH THIS VIDEO IM GOING TO SEND YOU.SO YOU KNOW THE LAWS YOUR COMMANDING SHERIFF OFFICER BRAKE... IF YOU OFFER EVERYONE PERMANENT HOUSEING WHILE THE PAJARO RIVER PROJECT IS GOING ON THEN WE WILL GO EVEN IF YOU GIVE A PART ON THE RIVER WE reside safely wood bathrooms since people have problem with sanitary issues I want you to look into what Santa Cruz County has done to the river out there in San Lorenzo I want you to know that I'm not going after you guys I'm going out to Santa Cruz County to it is the month of November 2021 rain always starts in November winter hello. So December is coming that's going to be really really stressful to. It is cold out and it is cold at night not nobody has even offered any warming stations out here in fact Monterey County Sheriff's Department last year in 2020 tell Church's stop coming out here defeat us and this is when the first beginning of November 2020 now we're here A year later we had all summer to do this. I know you're not going to be having no construction on this River and no winter it is too cold with the little bit that we have you want to take it away from us and you expect us to do. None of my community members have ever had covid-19 now we will not go into a place that's been exposed to covid you're not putting our lives at risk. You're not going to give us a motel voucher for 2 weeks and then we all wonder where we're going to go back to the river so we can go to the same thing again and again what I need from you to do is stop paying Smith an enlight destruction money come out here and take her people who would you go to bed at night you don't have to worry about.

On Tue, Nov 16, 2021, 7:25 PM Anthony Prince <princelawoffices@yahoo.com> wrote:

[Sent from Yahoo Mail on Android](#)

On Tue, Nov 16, 2021 at 10:36 AM, Donlon, Kelly L. x5313
<DonlonKL@co.monterey.ca.us> wrote:

Mr. Prince,

As we just discussed, I have some corrections and additions to below. I misspoke when I said individuals have built tunnels into the levee. The individuals have actually built tunnels into the riverbank. This is concerning because rain or not, there is a chance of the riverbank collapsing on individuals.

Also, the County and Water Resources Agency would like to offer special accommodations to your disabled client Ms. Tone. We can offer assistance for her to move her things and a bed. I am in the process of

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 COUNTY OF MONTEREY; MONTEREY
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 COUNTY SHERIFF'S DEPARTMENT,
 SHERIFF STEPHEN BERNAL, in his official
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Defendants

Case No.:

**DECLARATION OF ELISE JOHNSON IN
 SUPPORT OF PLAINTIFFS' *EX PARTE*
 APPLICATION AND COMPLAINT FOR
 TEMPORARY RESTRAINING ORDER
 AND PRELIMINARY INJUNCTION**

DECLARATION OF ELISE JOHNSON

I, Elise Johnson, hereby swear that the following is a true and correct statement:

1. I am a member of the Pajaro River homeless community and a member of the Pajaro/Watsonville Homeless Union. My husband, who is a field worker, have been camped along the Pajaro River in Monterey County for seven years. We are located close to the part

Declaration of Elise Johnson

1 of the river that is near the Pajaro River Levee, downstream of the Train Trestle to river mile
2 8.

3 2. Last year, the Monterey County sheriffs performing a "clean-up" destroyed my tent
4 encampment and either took or destroyed everything I had. They offered me no place to go. Page - 2 -
5 They took my blankets and my jackets and it was so cold at night it started raining. Now, a
6 year later, I now suffer emotional distress due to December's 2020 eviction they came to my
7 house with a bulldozer and took everything I had like it was nothing. I begged and I pleaded
8 with the Monterey County Sheriff's Office to stop, telling them that's all I have but they
9 laughed and they joked like it was funny. This put me into a big depression and I just wanted
10 to die.
11

12 3. On November 10, 2021, a 7-day Notice to Vacate Illegal Campsite was posted by Monterey
13 County Sheriff Stephen Bernal. I am an older woman with physical disabilities and it has been
14 impossible for me to pack up my things and tent. I am already suffering more intensified
15 trauma since the County is planning to come today, November 17, 2021 and, once again, tear
16 down our encampment. Attached hereto as Exhibit A is a true and correct copy of the Sheriffs
17 Notice to Vacate.
18

19 4. On November 10, 2021, a separate notice was posted by the Monterey County Water
20 Resources Agency titled, "WARNING. NOTICE OF CLEAN-UP" for the area where we are
21 camped. At the bottom of the Notice it stated that "prior to the clean up dates set forth above,
22 Monterey County will reach out to social services providers and request that service providers
23 visit the site prior to the clean-ups to offer assistance." However, no service provider has come
24 to the camp. The Notice also states, "You may also contact the Monterey Coalition of
25 Homeless Service Providers at 831-883-3080 for assistance." I have called this number almost
26 every day since the Notice was posted but have not been provided any assistance whatsoever.
27
28

1 Attached hereto as Exhibit B is a true and correct copy of the Warning from the Monterey
2 County Water Resources Agency.

3 5. The Pajaro River is my home. I have sheltered in place here since COVID 19 began. I love
4 the river because I feel safe here. Neither myself or anyone else here has ever dug any tunnels
5 either into the levee or the banks of the river as the County is falsely stating. (See photographs
6 attached to Declaration of Anthony Prince.)

7
8 6. There are no shelters in our community, there are no shelters in our city or anywhere in
9 Monterey County that I am aware of and there are no shelters that are available here to place
10 my family. Sheriffs handed out a list of "Area Community Service Assistance" providers the
11 same day they posted the Notice to Vacate. For the last nine days, I and other Homeless Union
12 members have made numerous calls to every single agency listed; not a single one had any
13 beds available. Attached hereto as Exhibit C is a true and correct copy of the list of "service
14 providers" that was distributed to us.

15
16 7. If I am forced out of this camp and not permitted to return, I will have nowhere to go. I will
17 be unable to carry my possessions—including survival items—with me as I walk the streets
18 of Watsonville. I have no transportation and if my things are taken and placed in a storage
19 facility I will not be able to retrieve them. I will also be hungry because community members
20 and charitable organizations have brought food to our camp for years and will not be able to
21 find me or others. Also, my husband will not be able to work in the nearby fields and we will
22 suffer financial loss and that will make it very difficult to buy food and other necessities.

23
24 I swear and affirm under penalty of perjury under the laws of the United States and the State
25 of California that the foregoing is a true and correct statement.

26 Dated: November 9, 2021

/s/ Elise Johnson

27 Executed at Parajo Encampment,

28 Monterey County

Declaration of Elise Johnson

Exhibit A

MONICA TONE



Monterey County, California

SHERIFF'S OFFICE

NOTICE TO VACATE ILLEGAL CAMPSITE- YOU ARE TRESPASSING

Every person who camps or lodges or stores property on public or private property without the permission of the owner is guilty of a misdemeanor.

Posting Date: 11/10/21

Posting Time: 11/10

INSTRUCTIONS TO OCCUPANTS:

1. ALL PERSONAL PROPERTY AND CAMP DEBRIS IS TO BE REMOVED BY THE TIME AND DATE NOTED BELOW.
2. ANY PERSONAL PROPERTY LEFT AT THIS SITE AFTER THIS TIME WILL BE CONSIDERED ABANDONED.

VACATE BY DATE: 11/19/21

VACATE BY TIME: 0800

Violations noted at this time:

Penal Code section 647(e) Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.

Penal Code section 602(m) Every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor: Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.

Penal Code section § 374.4(a) It is unlawful to litter or cause to be littered in or upon public or private property. A person, firm, or corporation violating this section is guilty of an infraction.

Vehicle Code section 23112(b) No person shall place, deposit, or dump, or cause to be placed, deposited, or dumped, any rocks, refuse, garbage, or dirt in or upon any highway, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway.

Fish and Wildlife Code section 5652(a) It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any can, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

AREA COMMUNITY SERVICE ASSISTANCE IS AVAILABLE AT: (See handout)

By Order of the Sheriff: Stephen Bernal

Exhibit B

WARNING NOTICE OF CLEAN-UP

POSTING DATE: 11/10/2021

All persons camping at the Pajaro River Levee, downstream of the Train Trestle up to river mile 8 shall vacate by November 17, 2021 at 7:00 AM. A clean-up will occur between 7:00 AM and 7:00 PM on November 17, 18, and 19, 2021 at this location

All camping is prohibited on public property between the hours of 6:00 PM and 6:00 AM. (Monterey County Code Chapter 14.18).

You are being provided advanced notice of the scheduled clean-ups to allow you time to remove and secure all of your personal property away from this location. Any and all personal property remaining at this location on the clean-up date set forth above may be removed without further notice.

Storage containers will be provided prior to the removal of personal property for storage upon request. Personal property will be retained for ninety (90) days at the County of Monterey Temporary Storage Facility located at 24 San Juan Road in Pajaro. Abandoned property and refuse will be removed and destroyed.

Following the clean-up your personal property has been stored, you should contact (831) 755-4800 (caller needs to ask to be transferred to the Pajaro Temporary Storage Facility Manager) to arrange to retrieve it, without risk of prosecution, by appointment only. Please do not go to the storage facility at any other time as staff will not be available to help you. Any items not recovered from storage after 90-days will be deemed abandoned and will be destroyed. Any items identified as trash, garbage, other waste, and/or insect infested items not suitable for storage or for continued use will be disposed of.

Prior to the clean-up dates set forth above, Monterey County will reach out to social services providers and request that service providers visit the site prior to the clean-ups to offer assistance. You may also contact the Monterey County Coalition of Homeless Service Providers at (831) 883-3080 for assistance.

Monterey County Water Resources Agency
1441 Schilling Place, Salinas, CA 93901 (831) 755-4860

Exhibit C

SALVATION ARMY – GOOD SAMARITAN CENTER

800 Scott St., San City, CA 93955

(831) 899-4988

www.tsamonterey.com

Supportive services include showers, access to phone, fax, computers, hot meals, food boxes, laundry, lockers, clothing closet, mail, spiritual counseling and rental assistance. Monday-Friday from 8:30-4:30 pm (closed 12-1 pm)

SALVATION ARMY – SALINAS CENTER

2460 North Main St., Salinas, CA 93906

(831) 443-9655

www.tsagoldenstate.org

Community center with a variety of family services including shelter, meal assistance, bill pay assistance, and employment assistance.

VETERANS TRANSITION CENTER –DAY PROGRAM

220 12th Street, Marina, CA 93933

(831) 883-8387

www.vtcmonterey.org

Support services to homeless veterans including food, clothing, and blankets.

VICTORY MISSION

43 Soledad Street, Salinas, CA 93901

(831) 424-5688

<http://www.victorymissionsalinas.com/>

Victory Mission's provides a safe, supportive place for anyone wanting to get off the street from 10 a.m. to 1:00 p.m. and from 2:00 to 5:00 p.m. Monday through Saturday. Peer support, a big-screen TV and snacks/sandwiches are provided throughout the day. Mail service, food bags, shoes, clothing, blankets, towels, personal hygiene items (men & women) and spiritual counseling are also available.

ENERGY ASSISTANCE

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

Central Coast Energy Services

(888) 728-3637

Salvation Army Salinas

(831) 443-9655

www.energyservices.org

Assists low income families with paying their home energy bill. One time per calendar year payment. Salvation Army Salinas hosts LIHEAP on Thursdays 9:30 am-12 pm at 2460 North Main St in Salinas. Leave a message with Central Coast Energy Services for a return call.

⊗ Watsonville FREE Guide

Go to www.santacruzfreeguide.org
to see current resource schedules and the most up to date version of this guide

SHELTER (*Star designates *SmartPath Assessments* available at these programs or locations.)

*Salvation Army Watsonville Day Center Overnight Winter Shelter starts Nov 15th | 104 Grant Street

FOR WOMEN and CHILDREN:

Grace Harbor Women's Homeless Shelter Faith-Based | 214 Union St | (831) 724-3922 (Entry for many other programs)

Freedom Women's Center Faith-Based, Long Term Christian Discipleship Residential Program | (831) 724-2898

Pajaro Valley Shelter Services 115 Brennan St. | (831) 728-5649 | info@pvshelter.org

FOR MEN:

Pajaro Rescue Mission Emergency shelter services for up to 35 men, showers | (831) 724-9576

Pajaro Induction Center 30-day min residential entry program for Men's Center | 111 Railroad Ave | (831) 722-9410

Pajaro Men's Center Long term faith-based residential Christian discipleship & recovery | (831) 722-2074

MEALS

Pajaro Valley Loaves & Fishes Mon-Fri 12pm | 150 2nd St | (831) 722-4144

Salvation Army Center Mon-Fri 5pm | 214 Union St | (831) 724-3922

GROCERIES

Second Harvest Food Bank 800 Ohlone Pkwy | Mon-Fri 8am-4:30pm | (831) 722-7110

RESOURCES (*Star designates *SmartPath Assessments* available at these programs or locations.)

*Salvation Army Watsonville Day Center Showers, laundry, lockers, mailing address, wifi & more | 104 Grant Street

Community Bridges Assistance programs, resources, benefits enrollment and food | (831) 688-8840

Community Action Board Employment assistance, eviction prevention, Dayworker Center | (831) 763-2147

*Families in Transition One-time rental assistance, transitional housing | 406 Main St, Suite 326 | (831) 728-9791

Santa Cruz Immigration Project Immigration Issues, Advocacy | 406 Main St #217 | (831) 724-5667

Mobile Wellness Clinic See Dignity Health online schedule of stops | (831) 713-8751

Watsonville Homeless Health Center Walk-in Care 1430 Freedom Blvd, Suite C | (831) 763-8400

Planned Parenthood Women's Health 398 South Green Valley Rd | (831) 724-7525

Monarch Srvs Domestic Violence Intervention 233 East Lake Ave | (831) 722-4532 | 24hr Bilingual Crisis 1-888-900-4232

Supportive Services for Veterans 18 West Beach St | (831) 454-7276 By appt only

Watsonville Career Center 18 Beach St | (831) 763-8700 | Mon -Fri 8am-12pm, 1pm-5pm

Watsonville Youth Center 229 Green Valley Road | (831) 466-5672 | Mon -Fri 8am-5pm

SC Veterinary Street Outreach santacruz.vetstreetoutreach@gmail.com | (Check Facebook for updates)

211 DIRECTORY (Dial 211 for referrals) | Suicide Prevention Hotline 1-877-ONE-LIFE | 1-877-663-5433 | Crisis Text Line 741-741

*SmartPATH for Housing and Health Complete a survey to access a county-wide waitlist. Call 211 or visit www.smartpathsc.org

⊗ San Lorenzo Valley FREE Guide

RESOURCES

*Mountain Community Resource Center 6134 Hwy 9, Felton 95018 | (831) 335-6600 | 9am- 4pm Mon-Thur, or call for appt

Valley Churches United Missions 9400 Hwy 9, PO Box 367, Ben Lomond, 95005 | (831) 336-8258 | Mon-Fri 9am- 4pm

VCUM Food Pantry Tuesday, Wednesday, Thursday (fresh groceries for all) 9am to 11:45am | 1st & 3rd Fridays for seniors only

San Lorenzo Valley Sheriff's Service Center 6062 Graham Hill, A&B | (831) 454-7400 | Services, referrals, share your opinion

211 DIRECTORY (Dial 211 for referrals) | Suicide Prevention Hotline 1-877-ONE-LIFE | 1-877-663-5433

June 19, 2019 • santacruzfreeguide.org

Anthony D. Prince (SBN # 202892)
 General Counsel, California Homeless Union/Statewide Organizing Council
 Law Offices of Anthony D. Prince
 2425 Prince Street, Ste. 100
 Berkeley, CA 94705
 Tel: 510-301-1472

Attorneys for Plaintiffs

UNITED STATES COURT

NORTHERN DISTRICT OF CALIFORNIA

PAJARO/WATSONVILLE HOMELESS
 UNION, a local affiliate of the CALIFORNIA
 HOMELESS UNION, on behalf of itself and
 those it represents; MONIKE ILENE TONE,
 President of the PAJARO RIVER
 HOMELESS COMMUNITY, a Homeless
 Union-affiliated encampment in MONTEREY
 COUNTY; Individual Plaintiffs KRISTY
 OYLMAN, ELISE
 JOHNSON _____,

_____, _____ and other
 similarly-situated homeless persons encamped
 along the Pajaro River in Monterey County,
 vs.

COUNTY OF MONTEREY; MONTEREY
 COUNTY WATER RESOURCES AGENCY;
 MONTEREY COUNTY SHERIFF'S
 DEPARTMENT, SHERIFF STEPHEN
 BERNAL in his official and individual
 capacities, and DOES 1-100,

Defendants

Case No.:

**DECLARATION OF MONIKE ILENE
 TONE IN SUUPPORT OF PLAINTIFFS'
 EX PARTE APPLICATION AND
 COMPLAINT FOR TEMPORARY
 RESTRAINING ORDER AND
 PRELIMINARY INJUNCTION**

DECLARATION OF MONIKE TONE

I, Monike Ilene Tone, hereby declares as follows:

1. My name is Monike Tone. I am the President of the Pajaro Watsonville Homeless Union and a resident of the Pajaro River homeless community.
2. On November 10, 2021, at approximately 12 a.m., I was given a notice by the Monterey County Sheriff's officers to vacate by November 17th 2021. This has also been posted

Declaration of Monike Ilene Tone

1 and given to other residents on the Pajaro River. Alongside that notice was another
2 notice from the Monterey County Water Resources Agency ordering us to vacate by
3 November 17th 2021 by 7 a.m.. Attached hereto as Exhibits A and B, are, respectively,
4 true and correct copies of the Sheriffs and Water Agency notices. This “cleanup”—
5 which is a false term used in the past by the County to destroy homeless encampments
6 and personal property belonging to homeless persons – will affect over 200 people along
7 this portion of the Pajaro River who are without the basic needs of housing and for
8 whom there are no shelters available.
9

- 10 3. I have been on the river for approximately 10 years. I have I have experienced repeated
11 sweeps and destruction of my campsite by Monterey County Water Resource, Sheriffs as
12 well as Smith and Enwright landscaping company. They destroyed my community they
13 destroyed my home as well as over a hundred other homes (tents, etc.) which each home
14 has been documented so it's known that we're out here. I have lost everything from baby
15 pictures to my IDs to my clothes I've lost everything and had to start over just was what
16 was on my back.
17
- 18 4. November and December are two of the coldest and rainiest times of the year. Now they
19 are going to do tomorrow what they did last year when they brought bulldozers and
20 dump trucks and whatever didn't fit in the bulldozers they just left behind, now
21 destroyed. Like last year we will be left without blankets, etc. Last year, Sheriffs Deputy
22 Mendoza told us females that he would find housing for us, but returned an hour later
23 and said “Sorry ladies, there's nothing that we can do for you.” And went ahead with the
24 bulldozers and tore our shelters down.
25
- 26 5. At this time, I am suffering extreme mental, physical and emotional suffering. Nobody
27 on this River was offered any other services. A number listed on the Water Agency
28 Notice of November 10, 2021 (831-883-3080) is to the Monterey County Coalition of

1 Homeless Service Providers. I called and spoke with an individual by the name of
2 Nickolas, who would not give his last name. He stated that there were **no housing**
3 **services** available or would be available after tomorrow's sweep. He said the best he
4 could do was to put people on a waiting list by filling out paperwork. He then admitted
5 that I had been placed on such a list last December 5, 2020 but there was still nothing
6 available on an emergency or other basis, and that it "is a long process."

- 7
8 6. We have become a community here, mostly females and some married couples. We have
9 become aware of our surroundings we pick up around here we keep our River clean as
10 we can. The accusation that we have dug tunnels into either the levee or the riverbanks is
11 completely false and being used as an excuse to push us out with nowhere to go.
12
13 7. If this notice to vacate doesn't stop this will affect people's lives tremendously. The
14 county of Monterey will be putting lives in danger will be putting people's health and
15 safety along with dispersal into the ongoing coronavirus/Delta variant pandemic and risk
16 of hypothermia from the cold and rain.

17 I swear and affirm under penalty of perjury under the laws of the United States and the State
18 of California that the foregoing is a true and correct statement.

19 Dated: November 16, 2021

/s/ Monike Ilene Tone

20 Executed at Pajaro River Homeless Camp
21
22
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28

Declaration of Monike Ilene Tone

Exhibit A

MONICA JONE



Monterey County, California

SHERIFF'S OFFICE

NOTICE TO VACATE ILLEGAL CAMPSITE- YOU ARE TRESPASSING

Every person who camps or lodges or stores property on public or private property without the permission of the owner is guilty of a misdemeanor.

Posting Date: 11/10/21

Posting Time: 11/10

INSTRUCTIONS TO OCCUPANTS:

1. ALL PERSONAL PROPERTY AND CAMP DEBRIS IS TO BE REMOVED BY THE TIME AND DATE NOTED BELOW.
2. ANY PERSONAL PROPERTY LEFT AT THIS SITE AFTER THIS TIME WILL BE CONSIDERED ABANDONED.

VACATE BY DATE: 11/19/21

VACATE BY TIME: 0800

Violations noted at this time:

Penal Code section 647(e) Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.

Penal Code section 602(m) Every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor: Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.

Penal Code section § 374.4(a) It is unlawful to litter or cause to be littered in or upon public or private property. A person, firm, or corporation violating this section is guilty of an infraction.

Vehicle Code section 23112(b) No person shall place, deposit, or dump, or cause to be placed, deposited, or dumped, any rocks, refuse, garbage, or dirt in or upon any highway, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway.

Fish and Wildlife Code section 5652(a) It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any can, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

AREA COMMUNITY SERVICE ASSISTANCE IS AVAILABLE AT: (See handout)

By Order of the Sheriff: Stephen Bernal

Exhibit B

WARNING

NOTICE OF CLEAN-UP

POSTING DATE: 11/10/2021

All persons camping at the Pajaro River Levee, downstream of the Train Trestle up to river mile 8 shall vacate by November 17, 2021 at 7:00 AM. A clean-up will occur between 7:00 AM and 7:00 PM on November 17, 18, and 19, 2021 at this location

All camping is prohibited on public property between the hours of 6:00 PM and 6:00 AM. (Monterey County Code Chapter 14.18).

You are being provided advanced notice of the scheduled clean-ups to allow you time to remove and secure all of your personal property away from this location. Any and all personal property remaining at this location on the clean-up date set forth above may be removed without further notice.

Storage containers will be provided prior to the removal of personal property for storage upon request. Personal property will be retained for ninety (90) days at the County of Monterey Temporary Storage Facility located at 24 San Juan Road in Pajaro. Abandoned property and refuse will be removed and destroyed.

Following the clean-up, your personal property has been stored, you should contact (831) 755-4800 (caller needs to ask to be transferred to the Pajaro Temporary Storage Facility Manager) to arrange to retrieve it, without risk of prosecution, by appointment only. Please do not go to the storage facility at any other time as staff will not be available to help you. Any items not recovered from storage after 90-days will be deemed abandoned and will be destroyed. Any items identified as trash, garbage, other waste, and/or insect infested items not suitable for storage or for continued use will be disposed of.

Prior to the clean-up dates set forth above, Monterey County will reach out to social services providers and request that service providers visit the site prior to the clean-ups to offer assistance. You may also contact the Monterey County Coalition of Homeless Service Providers at (831) 883-3080 for assistance.

Monterey County Water Resources Agency
1441 Schilling Place, Salinas, CA 93901 (831) 755-4860

Anthony D. Prince (SBN # 202892)
 General Counsel, California Homeless Union/Statewide Organizing Council
 Law Offices of Anthony D. Prince
 2425 Prince Street, Ste. 100
 Berkeley, CA 94705
 Tel: 510-301-1472

Attorneys for Plaintiffs

UNITED STATES COURT

NORTHERN DISTRICT OF CALIFORNIA

PAJARO/WATSONVILLE HOMELESS
 UNION, a local affiliate of the CALIFORNIA
 HOMELESS UNION, on behalf of itself and
 those it represents; MONIKE ILENE TONE,
 President of the PAJARO RIVER
 HOMELESS COMMUNITY, a Homeless
 Union-affiliated encampment in MONTEREY
 COUNTY; Individual Plaintiffs KRISTY
 OYLMAN, ELISE JOHNSON and other
 similarly-situated homeless persons encamped
 along the Pajaro River in Monterey County,

vs.

COUNTY OF MONTEREY; MONTEREY
 COUNTY WATER RESOURCES AGENCY;
 BOARD; MONTEREY COUNTY
 SHERIFF'S DEPARTMENT; SHERIFF
 STEPHEN BERNAL, in his official and
 individual capacities; and DOES 1-100,

Defendants

Case No.:

**DECLARATION OF KRISTINA
 OYLMAN IN SUPPORT OF
 PLAINTIFFS' EX PARTE APPLICATION
 AND COMPLAINT FOR TEMPORARY
 RESTRAINING ORDER AND
 PRELIMINARY INJUNCTION**

DECLARATION OF KRISTINA OYLMEN

I, Kristina Oylmen, hereby declare as follows

1. I am a 35-year old woman who has lived near the Pajaro River levee for the last five years. I am an officer of the Pajaro/Watsonville Chapter of the Homeless Union and a voice for our family, and people, known in Spanish as "gente". We are a community

Declaration of Kristina Oylmen

1 within the community.

- 2 2. If I am forced out of the camp I will have nowhere to go. Separated from my community
3 members I will have no protection and, as a woman, will be at risk of assault and other
4 harm which it is common knowledge happens all the time to unhoused females who are
5 on the streets of Watsonville and other cities.
- 6 3. Last year, the Sheriffs destroyed our encampment, but we re-established it because of
7 COVID-19 "shelter in place" orders from Monterey County. I am seeking for this sweep
8 planned for tomorrow, November 17, 2021 to Stop. Covid 19 is after a year still a
9 pandemic. We are shelter in place only going to places that is needed and back to the
10 camp. If the camp is destroyed -- which the County calls "clean-up" -- we will be
11 disbursed and put at higher risk of spread of the Delta variant and separated from
12 community volunteers who have brought food, water, blankets and hygiene items to us.
13 They won't know where to find us and we will suffer because of it.
14
15

16 I hereby swear and affirm under penalty of perjury under the laws of the United States and
17 the State of California, that the foregoing is true and correct statement.
18

19 Dated: November 16, 2021

/s/ Kristina Oylmen

20 Executed at Pajaro River Homeless Encampment
21 Monterey County, CA
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Anthony D. Prince (SBN # 202892)
 General Counsel, California Homeless Union/Statewide Organizing Council
 Law Offices of Anthony D. Prince
 2425 Prince Street, Ste. 100
 Berkeley, CA 94705
 Tel: 510-301-1472

Attorneys for Plaintiffs

UNITED STATES COURT

NORTHERN DISTRICT OF CALIFORNIA

PAJARO/WATSONVILLE HOMELESS
 UNION, a local affiliate of the CALIFORNIA
 HOMELESS UNION, on behalf of itself and
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 President of the PAJARO RIVER
 HOMELESS COMMUNITY, a Homeless
 Union-affiliated encampment in MONTEREY
 COUNTY; Individual Plaintiffs KRISTY
 OYLMAN, ELISE JOHNSON and other
 similarly-situated homeless persons encamped
 along the Pajaro River in Monterey County,

vs.

COUNTY OF MONTEREY; MONTEREY
 COUNTY WATER BOARD; MONTEREY
 COUNTY SHERIFF'S DEPARTMENT,
 SHERIFF STEPHEN BERNAL, in his official
 and individual capacity; and DOES 1-100,

Defendants

Case No.:

**[Proposed] ORDER FOR TEMPORARY
 RESTRAINING ORDER AND
 PRELIMINARY INJUNCTION**

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby GRANTS Plaintiffs' Motion
 for a Temporary Restraining Order and Preliminary Injunction as follows:

Defendants are ordered to rescind and are enjoined and restrained from enforcing the
 November 10, 2021 Notices to Vacate;

Defendants shall permit any person who may have already been or is in the process of being
 cleared, to return to his/her/their particular campsite;

[Proposed] Order

1 Defendants are ordered to pay statutory damages to the individual plaintiffs as provided by
2 the Bane Civil Rights Act; for damages to the individual plaintiffs in an amount to be determined
3 according to proof; for costs of suit and for attorney fees as provided by law.

4 GOOD CAUSE APPEARING THEREFORE:

5 IT IS ORDERED.

6 Dated: November _____, 2021

7 _____
8 Judge for the Northern
9 District of California
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Anthony D. Prince (SBN # 202892)
 General Counsel, California Homeless Union/Statewide Organizing Council
 Law Offices of Anthony D. Prince
 2425 Prince Street, Ste. 100
 Berkeley, CA 94705
 Tel: 510-301-1472

Attorneys for Plaintiffs

UNITED STATES COURT

NORTHERN DISTRICT OF CALIFORNIA

PAJARO/WATSONVILLE HOMELESS
 UNION, a local affiliate of the CALIFORNIA
 HOMELESS UNION, on behalf of itself and
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 HOMELESS COMMUNITY, a Homeless
 Union-affiliated encampment in MONTEREY
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 OYLMAN, ELISE JOHNSON and other
 similarly-situated homeless persons encamped
 along the Pajaro River in Monterey County,

vs.

COUNTY OF MONTEREY; MONTEREY
 COUNTY WATER BOARD; MONTEREY
 COUNTY SHERIFF'S DEPARTMENT,
 SHERIFF STEPHEN BERNAL, in his official
 and individual capacity; and DOES 1-100,

Defendants

Case No.:

**[Proposed] ORDER FOR TEMPORARY
 RESTRAINING ORDER AND
 PRELIMINARY INJUNCTION**

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4 GOOD CAUSE APPEARING THEREFORE:

5 IT IS ORDERED.

6 Dated: November _____, 2021

7 _____
8 Judge for the Northern
9 District of California
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